

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT - 2 2020

MITCHELL R. ELFERS
CLERK *ms*

Benjamin Hinds "87494"
Full Name/Prisoner Number
6900 W. millen Drive Hobbs
NM 88244
Complete Mailing Address

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Civil Action No. 20cv1011 MV/JFR
(To be supplied by the Court)

Benjamin Hinds 87494

, Plaintiff(s),

Full name(s) and prisoner number(s)
(Do not use *et al.*)

v.

Carolyn Barela and Otero
County Detention Center (DOC)
(Do not use *et al.*) Defendant(s).

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. Benjamin Hinds is a citizen of New Mexico who
(Plaintiff) (State)

presently resides at Lea County Corrections Facility
(mailing address or place of confinement)

2. Defendant Carolyn Barela is a citizen of New Mexico
(name of first defendant) (State)

whose address is Dr Martin Luther King Jr Drive, Alamogordo
and who is employed as Director of Otero County Detention Center At the time the claim(s) NM 88310
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

she is the Director of the Otero County
Detention Center and all other employee's

3. Defendant Nina Sisler is a citizen of New Mexico
(name of second defendant) (State)
whose address is Dr Martin Luther King Drive JR
and who is employed as Assistant Director Okla County Detention Center
(title and place of employment) At the time the claim(s)

alleged in this complaint arose, was this defendant acting under color of state law?
☒ Yes ☐ No. If your answer is "Yes," briefly explain:

employee of the (EOCPC)

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

☒ Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

☐ Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

Plaintiff is unaware of full and/or correct names and prays this court will allow him to continue and he will advise the court as he discovers such

B. NATURE OF THE CASE

BRIEFLY state the background of your case.

See attachment A.

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: cruel and unusual punishment
of rights secured in the 14th amendment Due
Process Clause By way of the 5th amendment

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim II: Deliberate indifference, negligence
negligent supervision

Supporting Facts: was Denied to talk to Supervisors on multiple occasions and Denied Being able to go use the restroom. Denied the most basic necessities. See Exhibit "A"

Claim III: Deprivation of civil rights under 42 U.S.C 1983
By Defendants Carolyn Barela under the 8th and 14th amendments

Supporting Facts: see attachment A

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): BENJAMIN HINDS

Defendant(s): CAROLYN BARELA and Otero County Detention Center

b. Name and location of court and docket number twelfth Judicial District Court Alamogordo NM
D-1215-CV-202000543

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed?
Is it still pending?)

d. Issues raised: fail to state claim and not giving fair notice to Defendants

e. Approximate date of filing lawsuit: _____

f. Approximate date of disposition: _____

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. ✓ Yes No.

If your answer is "Yes," briefly describe how relief was sought and the results.
money damages, punitive damages for emotional distress.
Defendants motioned for dismissal

3. I have exhausted available administrative remedies. Yes No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

2. Are you in imminent danger of serious physical injury? Yes _____ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

G. REQUEST FOR RELIEF

I request the following relief: wherefore, plaintiff respectfully prays that this court enter a judgment granting plaintiff: 1.) A Declaration that the Acts and omissions Described Herein violated plaintiff's Rights under the constitution and the laws of the United States. 2.) order all Defendants to pay compensatory and punitive Damages in the amount to be determined by a judge and jury at trial, jointly, severally to each defendant for any pain and suffering, emotional and psychological Distress. 3.) order Defendants to pay any and all attorney fees and any and all legal costs incurred by plaintiff for this suit. 4.) any other Relif this court deems proper and just. 5.) A trial By jury pursuant to the federal Rules of Civil procedure.

Prisoner's Original Signature

Original signature of attorney (if any)

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Hobbs, NM 88244 on September 28th 2020.
(location) (date)

Benjamin Heonds
Prisoner's Original Signature

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing pleading document was mailed to:

the State of New Mexico at
U.S. District Court and
333 Lomas Blvd. NW, Ste. 270 at
Albuquerque, NM 87102 and

On the 28th day of September, 2020.

Benjamin Hinds

Signature

6900 W. Millen Drive

(Address)

Hobbs New

Mexico 88244

VERIFICATION

I, BENJAMIN HINDS, under penalty of perjury under the
laws of the State of New Mexico state that the information contained therein is true and correct
to the best of my knowledge

Benjamin Hinds
Signature, Pro Se

Affidavite

EXhibit 'A'

on or about april 14 2019 I Benjamin Hinds returned to the otero county Detention center where I was placed in Holding cell c "Drycell" with no running water or access to a restroom. on or about april 16/17 I got caught with contraband the xrayed were they found no other drugs in my body. over the next several days I suffered with lack of water and not being able to go to the restroom when needed having to induce mental stress and physical pains. Living the next 8 or 9 days in a cell where I could not wash my hands before having to eat. on or about april 14/23 I had to relieve my bowels in the Dry cell because they refused to let me go to the restroom. when requesting to know how much longer I would be held in Holding cell c "Drycell" Lutinet Sufwints responded "until the Director and aSAssistant Director said your aloud to go to population" upon release from the Dry cell I was then placed into Sec. Being confined in that Drycell

for such long period of time not only emotionally scared me but caused me mental instability's. At all times relevant to this complaint, Defendants Have a duty to do their job to the Best of their ability, Remaining professional and respectful. treating inmates like Human Beings, Adhering to the ethics policy and procedures when dealing with inmates at their facilities. When prisons operate ignoring its own policies, as well as those set up by the Federal Bureau of Prisons the officials running the facility should be held accountable for any reckless decisions to ignore the Rules, guidelines, and their own policies and procedures concerning accidental injuries that occur as a direct result from deliberate indifference, cruel and unusual punishment that was easily preventable. on multiple occasions staff members made fun of me in a very inappropriate manner and definitely not professional calling me the cester Bunny

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6900 W. MILLER DRIVE
HOBBBS MINN

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09/30/2020
FIRST-CLASS MAIL
US POSTAGE \$000.80



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ALBUQUERQUE, N.M.

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United States District Court
For The District of New Mexico
333 LOHME BLVD. N.W. SUITE 270
ALBUQUERQUE, N.M.

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